



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,266	08/03/2000	Alain Del Vecchio	MGRN:376	1812

7590

08/21/2002

Parkhurst & Wendel LLP
Suite 210
1421 Prince Street
Alexandria, VA 22314-2805

EXAMINER

LAXTON, GARY L

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,266

Applicant(s)

DEL VECCHIO ET AL.

Examiner

Gary L. Laxton

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

-DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim limitations of at least claims 1 and 14 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Figure 1 is an illustration of prior art and does not illustrate what is claimed. Also, the remaining figures do not illustrate the claimed invention.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Please refrain from using legal phraseology, such as "comprising", in the Abstract.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4:

Claim 4 recites the limitation "value" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9:

Claim 9 recites "the parameters" in line 1. It is unclear whether the applicant is attempting to reference the setting parameters or parameters to be adjusted recited in claim 1. The distinction between the various "parameters" is vague and indefinite.

Furthermore, claim 9 appears to be a method claim depending from an apparatus claim. Method claims should be separate from apparatus claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 7-9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art figure 1 in combination with Eckart et al.

Claims 1, 2, 7-9, and 12-14:

Admitted prior art figure 1 discloses an electronic trip device comprising a processing unit (5) having inputs to receive electrical signals (figure 1) representative of electrical quantities (current) and an output (figure 1) to supply a tripping signal to a tripping relay (6); and a man-machine interface (8) connected to the processing unit (5) to supply setting parameters and to display information and tripping curves on a screen (9); main contacts (2) connected in series with power conductors (1); current sensors (4A, 4B, 4C) sensing the conductors.

However, apparently the admitted prior art figure 1 does not disclose the means for displaying setting parameters in the man-machine interface for modifying the visual aspect of a least one portion of curve representative of a parameter whose setting is to be changed.

Eckart et al teaches changing the visual aspect of the curve in at least figures 2-5 in order to vary the shape and position of the displayed trip-time curve to facilitate rather precise tailoring of the breakers response characteristics to a particular load current profile. Furthermore, Eckart teach using buttons for functional manipulation of the device.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the visual aspect of at least one portion of curve representative of a parameter whose setting is to be changed in order to facilitate rather precise tailoring of the breakers response characteristics to a particular load current profile.

7. Claims 3, 5, 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art figure 1 in combination with Eckart et al and further in combination with King et al.

Claims 3, 5 6, and 10:

Admitted prior art figure 1 in combination with Eckart et al disclose the claimed invention as stated above with regards to claim 1 except for framing information displayed.

King et al teaches (Col. 4) a simple six button keypad (figure 1) to cooperate with a microprocessor and functions in conjunction with software so as to provide a menu style operation for LCD display. Therefore, it would have been obvious at the time the invention was made to frame information on the display screen in a scrollable fashion for information that is to be adjusted in order to make the information more readily observable to the programming user and for quick and convenient scrollable options.

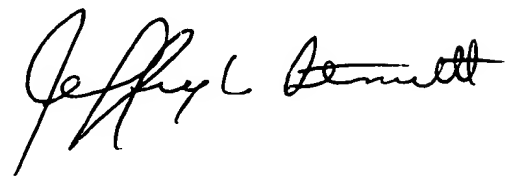
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al US 5,596,473 discloses a circuit breaker having communications via a communication network; Matsko et al US 4,7652,853 discloses circuit interrupter apparatus with integral trip curve display

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Laxton whose telephone number is (703) 305-7039. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Jeffrey L. Sterrett".

**Jeffrey Sterrett
Primary Examiner**